

Frequently Asked Questions Forest Management Administrative Rule Revisions



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Q: What is the purpose of amending and repealing the Administrative Rules for Forest Management on State trust lands?

A: *The objective of the forest management administrative rules revision is two-fold:*

- 1. Provide DNRC's field staff clear direction for the implementation of DNRC's forest management program to improve the consistency, efficiency and effectiveness of how the program is implemented state-wide.*
- 2. Administratively align our forest management program to the forest management practices that are currently operational through the implementation of DNRC Habitat Conservation Plan (HCP).*

Both objectives will continue to ensure that the forest management program provides adequate resource protection while being consistent with current state and federal statute.

Q: Why are these changes being proposed now?

A: *The last major rule making effort was March 2003 when Resource Management Standards from the SFLMP were drafted into Administrative Rules for Forest Management. Major policy changes regarding management of Threatened and Endangered Species have occurred since then, most notably DNRC's Habitat Conservation Plan (HCP), changes involving new science, delisting of Threatened and Endangered species, and legislative actions.*

Q: What rules are being proposed for revision, amendment or repeal?

A: *There are five primary categories of rule amendment and repeal proposed:*

- 1. General Rule Clarification and Revision*
- 2. Adopting HCP Conservation Strategies*
- 3. T&E/Sensitive Species Changes*
- 4. Transferred Rules*
- 5. Legislative/Statute updates.*

Most of the rule revisions fall under the General Rule Clarification and Revision category. The most notable changes relate to grizzly bear management on state lands. The changes are driven by Habitat Conservation Plan conservation strategy commitments, dissolution of the Swan Valley Grizzly Bear Agreement and signatory responsibilities under the Northern Continental Divide Ecosystem (NCDE) Grizzly Bear Conservation Strategy.

Q: How will the proposed rule changes effect Grizzly Bear management on State trust land?

A: *Proposed changes would align the forest management program administratively with how forest management activities are currently applied within the Stillwater and Swan River State Forests, other lands in Recovery Zone, and Non-Recovery Occupied Habitat*

(NROH) areas. Changes in the Stillwater State Forest include adopting terms of HCP settlement agreement and Amended HCP (2018). Changes in the Swan River State Forest include repealing rules pertaining to the dissolved Swan Valley Grizzly Bear Agreement and adopting conservation strategies within the amended HCP (2018) which includes all former Plum Creek timber lands. All proposed changes are currently being implemented on HCP covered lands which covers approximately 93% of DNRC forested trust lands on the Northwest and Southwest land offices.

Q: How will the proposed rule changes affect the management of Canada Lynx on forested State trust lands?

A: The proposed rule revisions would change very little regarding how lynx habitat is currently managed and considered on state trust lands, because the revisions essentially codify all existing measures contained in the DNRC Forest Management HCP. Conservation measures and habitat definitions being proposed are based on a much more recent and extensive body of scientific literature as required by the HCP. Thus, proposed measures would be expected to provide greater conservation benefit for lynx than the existing 2003 ARMs.

Q: What other rules are proposed for amendment or repeal that would affect other wildlife species?

A: No other rules are proposed for amendment or repeal that would affect other wildlife species. Most wildlife rules will simply be transferred to either Threatened and Endangered Species or Sensitive Species rules to facilitate better organization and ease of reference.

Q: How will the proposed rule changes effect watershed management?

A: Riparian Management Zones (RMZ) will be applied to all class 1 streams, with widths being site specific varying from 80 feet (minimum) to upwards of 120 plus feet. A no harvest buffer from the ordinary highwater mark out to 50 feet will be applied to all RMZs. Equipment Restriction Zones will be applied adjacent to streams and wetlands with high erosion risk soils. Adoption of Channel Migration Zone commitments from HCP which extends the RMZ adjacent to specific unstable or erratically migrating stream channels. The level of cumulative watershed effects analysis that must be completed and documented based on project conditions, scale and intensity will now be prescribed in rule as well.

Q: What is the process for adopting administrative rules?

A: Administrative rules are developed under a process outlined in the Montana Administrative Procedure Act. That process requires state agencies to provide notice to the public when they wish to adopt, amend or repeal administrative rules. The notices

are compiled in the [Montana Administrative Register \(MAR\)](#). Once adopted, administrative rules are published in the Administrative Rules of Montana (ARM) and have the force of law. A flow chart of the process can be found [here](#).

Q: When would these rules become effective?

A: The rules will become effective upon completion of the Montana Administrative Procedures Act and Land Board approval, which is tentatively scheduled for October 2020.

Q: How can I participate and/or stay informed of the rule revision process?

A: You can visit the DNRC website found [here](#) for project updates and information as the Montana Administrative Procedures Act is initiated. If you would like more information on the proposal or to be added to our email list to stay informed, please email Sierra Farmer at sierrafarmer@mt.gov.